

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS JENKINS,

Plaintiff,

v.

DAVID L. RUNNELS, WARDEN,

Defendants.

No. C 07-0144 JSW (PR)

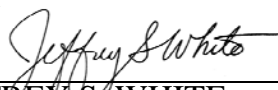
**ORDER OF DISMISSAL**

(Docket no. 1)

On January 9, 2007, Plaintiff filed a motion to proceed *in forma pauperis* which was not accompanied by a complaint (docket no. 1). The application was not complete and on January 9, 2007, the Clerk notified Plaintiff that he must pay the filing fee or a complete application to proceed *in forma pauperis* in thirty days or the action would be dismissed. That same day, the Clerk of the Court notified Plaintiff that if he did not submit a complaint or petition within thirty days, the action would be dismissed. Plaintiff has not filed a complaint or petition and he has not completed the application to proceed *in forma pauperis* or paid the filing fee. Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee and to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991). The Clerk shall close the file, terminate the motion as moot (docket no. 1) and enter judgment in this matter. No fee is due.

IT IS SO ORDERED.

DATED: May 16, 2007

  
JEFFREY S. WHITE  
United States District Judge